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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/193, 032 11/16/98 RENNEKE

R 30-4012

IM62/0201

EXAMINER

ALLIEDSIGNAL
LAW DEPARTMENT- M/S 36-2-76000
2525 WEST 190TH STREET
TORRANCE CA 90504-6099

STRICKLAND, J

ART UNIT PAPER NUMBER

1754

DATE MAILED:

02/01/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/193,032	Applicant(s) Renneke et al.
	Examiner Strickland, Jonas	Group Art Unit 1754
		
<p><input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Nov 16, 1998</u></p> <p><input type="checkbox"/> This action is FINAL.</p> <p><input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> 1035 C.D. 11; 453 O.G. 213.</p> <p>A shortened statutory period for response to this action is set to expire <u>one</u> month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).</p>		
<p>Disposition of Claim</p> <p><input checked="" type="checkbox"/> Claim(s) <u>1-20</u> is/are pending in the application.</p> <p>Of the above, claim(s) _____ is/are withdrawn from consideration.</p> <p><input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p><input type="checkbox"/> Claim(s) _____ is/are rejected.</p> <p><input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p><input checked="" type="checkbox"/> Claims <u>1-20</u> are subject to restriction or election requirement.</p>		
<p>Application Papers</p> <p><input checked="" type="checkbox"/> See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.</p> <p><input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.</p> <p><input type="checkbox"/> The proposed drawing correction, filed on _____ is <input type="checkbox"/> approved <input type="checkbox"/> disapproved.</p> <p><input type="checkbox"/> The specification is objected to by the Examiner.</p> <p><input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
<p>Priority under 35 U.S.C. § 119</p> <p><input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p> <p><input type="checkbox"/> All <input type="checkbox"/> Some* <input type="checkbox"/> None of the CERTIFIED copies of the priority documents have been</p> <p><input type="checkbox"/> received.</p> <p><input type="checkbox"/> received in Application No. (Series Code/Serial Number) _____.</p> <p><input type="checkbox"/> received in this national stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>*Certified copies not received: _____</p> <p><input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p>		
<p>Attachment(s)</p> <p><input type="checkbox"/> Notice of References Cited, PTO-892</p> <p><input type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). _____</p> <p><input type="checkbox"/> Interview Summary, PTO-413</p> <p><input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948</p> <p><input type="checkbox"/> Notice of Informal Patent Application, PTO-152</p>		
<p>-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --</p>		

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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17, drawn to an apparatus, classified in class 502, subclass 400.
 - II. Claims 18-20, drawn to a process, classified in class 95, subclass 129.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus/adsorbent claimed by Applicant can be used in another method besides the removal of NOx from gases, like the catalytic removal of ozone, hydrocarbons, and carbon monoxide from air.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and different search requirement, restriction for examination purposes as indicated is proper.
4. A telephone call was made to Robert Desmond on 01/27/2000 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

6. Any inquiry concerning this communication from the examiner should be directed to Jonas N. Strickland at (703)306-5692. The examiner can normally be reached on Monday through Thursday and every other Friday from 7:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin, can be reached at (703)308-1164. The Group 1700 facsimile machine number is (703)305-3599.

JNS
J.N. Strickland

January 29, 2000

SPG
STEVEN P. GRIFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700
1/31/00